

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

INNOVATION TECHNOLOGIES,
INC.,

Plaintiff,

v.

SPLASH! MEDICAL DEVICES,
LLC,

Defendant.

CIVIL ACTION FILE
NO. 1:06-CV-0647-TWT

ORDER

This is a patent infringement action. It is before the Court on the Defendant Splash's Motion for Attorney's Fees [Doc. 107] which is GRANTED. This case qualifies as an "exceptional" case under 35 U. S. C. § 285 justifying an award of attorney's fees to Splash as the prevailing party. Splash has shown by clear and convincing evidence that Innovation knew or, on reasonable investigation, should have known, that its claims of infringement were baseless. It appears to me that the lawsuit was filed solely for the purpose of harassing a small competitor. The Defendant is awarded \$140,232.00 in attorney's fees and \$4118.78 in expenses against the Plaintiff. The Plaintiff's Objections to the Defendant's Bill of Costs [Doc. 115] are DENIED.

SO ORDERED, this 22 day of March, 2007.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge